



TEXAS

Health and Human Services

Executive Commissioner
Dr. Courtney N. Phillips

February 4, 2020

Alexandria Pritchard
7146 HIGHWAY 60
WALLIS, TX 77485-9507

Operation #1577796
Prairie Harbor LLC

REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED
#70171070000025142674

Dear :Mrs. Pritchard,

The purpose of this letter is to inform you of the decision made by the Child Care Licensing division of the Texas Health and Human Services Commission (HHSC) to place the following child-care operation on corrective action- probation:

Name: Prairie Harbor LLC
Operation #: 1577796
Address: 7146 HIGHWAY 60, WALLIS, TX 77485-9507

Tex. Hum. Res. Code §42.071 authorizes HHSC to take corrective action against an operation that does not comply with the minimum standards, rules, Chapter 42 of the Texas Human Resources Code, or the specific terms of the permit.

40* Tex. Admin. Code §745.8605 sets forth the circumstances when HHSC may take a form of enforcement action against an operation. HHSC applied this rule to the decision to take enforcement action against your operation as follows:

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We can recommend or impose an enforcement action any time we find one of the following:

- (1) You supplied false information or made false statements during the application process;
- (2) You falsified or permitted to be falsified any record or other materials that are required to be maintained by Licensing minimum standards;
- (3) You do not have the required insurance;
- (4) You do not pay the required fees;
- (5) A single serious deficiency of minimum standards, rules, or laws, including a finding of abuse or neglect or background check matches;
- (6) Several deficiencies that create an endangering situation;
- (7) A repetition or pattern of deficiencies;
- (8) An immediate threat or danger to the health or safety of children;
- (9) You or someone working at your operation refuses, prevents, or delays our ability to conduct an inspection and/or investigation;
- (10) A failure to timely report necessary changes to Licensing;
- (11) A failure to comply with any restrictions or limits placed on your permit;
- (12) A failure to meet the terms and conditions of your evaluation or probation;
- (13) A failure to comply with minimum standards, rules, or laws at the end of the suspension period;
- (14) A failure to submit information to us within two days of a change in your controlling persons, as required in §745.903 of this title (relating to When must I submit to Licensing information about a person whom I consider to be a controlling person at my child-care operation?);
- (15) You apply for a permit to operate a child-care operation within five years after:
 - (A) We revoked your permit; or
 - (B) You voluntarily closed your operation or relinquished your permit after receiving notice of our intent to take adverse action against your permit or that we were taking adverse action against your permit;
- (16) You apply for a permit after we designate you as a controlling person, but before the designation is sustained;
- (17) It is within five years since your designation as a controlling person has been sustained;
- (18) You apply for a permit to operate a child-care operation, and you are barred from operating a child-care operation in another state;
- (19) You apply for a permit to operate a child-care operation, and your permit to operate a child-care operation in another state was revoked;
- (20) You apply for a permit to operate a child-care operation, and your permit to operate was revoked, suspended, or terminated by another Texas state agency as outlined in Chapter 531 of the Government Code, Subchapter W (relating to Adverse Licensing, Listing, or Registration Decisions);
- (21) You apply for a permit to operate a child-care operation and:
 - (A) You fail to comply with public notice and hearing requirements as set forth in §745.277 of this title (relating to What will happen if I fail to comply with public notice and hearing requirements?); or

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- (B) The results of the public hearing meet one of the criteria set forth in §745.279 of this title (relating to How may the results of a public hearing affect my application for a permit or a request to amend my permit?);
- (22) You operate a child-care operation, and that operation discharges or retaliates against an employee, client, resident, or other person because the person or someone on behalf of the person files a complaint, presents a grievance, or otherwise provides in good faith, information relating to the misuse of restraint or seclusion at the operation;
- (23) A reason set forth in Human Resources Code, §42.078;
- (24) A failure to pay an administrative penalty under Human Resources Code, §42.078;
- (25) A failure to follow conditions or restrictions placed on a person's presence at an operation; or
- (26) During the application process you were exempt from the public notice and hearing requirements by §745.273(c) of this title (relating to Which residential child-care operations must meet the public notice and hearing requirements?), but you never provide or cease to provide trafficking victim services and do not meet the public notice and hearing requirements.

40* Tex. Admin. Code §745.8637 describes when HHSC may place an operation on probation for a violation described in 40* Tex. Admin. Code §745.8605. Based on its application of this rule, HHSC has determined that probation is the appropriate form of enforcement action to take against your operation:

- a) We may place your operation on probation for an issue identified in §745.8605 of this title (relating to When can Licensing recommend or impose an enforcement action against my operation?) if we determine that:
- (1) your operation does not qualify for a less restrictive enforcement action; (2) you have not demonstrated the ability to make the necessary changes to address risk, but express a willingness to comply and make corrections;
- (3) your operation will be able to mitigate risk by complying with the conditions identified in the plan in addition to minimum standards; and
- (4) a more restrictive enforcement action is not necessary to reduce risk.
- (b) If we determine that are you not eligible for probation, we will consider imposing an adverse action

The deficiencies cited are listed below:

Date	Standard/ Rule/Law	Standard/Rule/Law Description
12/17/2019	748.2307(9)	Other Prohibited Punishments-subjecting a child to abusive or profane language

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12/10/2019	748.685(a)(5)	Caregiver responsibility - being able to intervene when necessary to ensure child's safety
11/22/2019	748.2307(9)	Other Prohibited Punishments-subjecting a child to abusive or profane language
10/31/2019	748.685(a)(5)	Caregiver responsibility - being able to intervene when necessary to ensure child's safety
10/01/2019	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
09/24/2019	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
09/20/2019	748.1101(b)(4)(A)	Children's rights-The right to be free from any harsh, cruel, unusual, unnecessary, demeaning, or humiliating treatment or punishment.
09/20/2019	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being
09/09/2019	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
09/09/2019	748.1101(b)(6)(C)	Children's rights-to confidential care/treatment, include keep medical & operation records private. Discussing them only when it's about child's care
09/09/2019	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records
09/09/2019	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks
09/09/2019	748.535(2)(F)	Child-care administrator responsibilities-Ensuring that operation complies with applicable rules of chapter 748 and other applicable rules and laws
09/09/2019	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being
08/26/2019	748.685(a)(3)	Caregiver responsibility - being aware of and accountable for each child's on-going activity
06/05/2019	748.685(a)(5)	Caregiver responsibility - being able to intervene when necessary to ensure child's safety
05/29/2019	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks

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05/29/2019	748.685(a)(3)	Caregiver responsibility - being aware of and accountable for each child's on-going activity
05/13/2019	748.303(a)(3)(A)	Serious Incident-Report to Licensing as soon as aware of allegations or indications of abuse, neglect, or exploitation of a child
05/13/2019	748.535(2)(F)	Child-care administrator responsibilities-Ensuring that operation complies with applicable rules of chapter 748 and other applicable rules and laws
05/06/2019	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks
04/26/2019	748.303(a)(3)(A)	Serious Incident-Report to Licensing as soon as aware of allegations or indications of abuse, neglect, or exploitation of a child
04/26/2019	748.535(2)(F)	Child-care administrator responsibilities-Ensuring that operation complies with applicable rules of chapter 748 and other applicable rules and laws
04/25/2019	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records
04/25/2019	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks
03/20/2019	748.2303(a)	Corporal Punishment-May not use/threaten corporal punishment, such as hitting/spanking, forced exercise, holding physical position, unproductive work.
03/20/2019	748.2307(9)	Other Prohibited Punishments-subjecting a child to abusive or profane language
03/20/2019	748.311(4)	Serious Incident Documentation-Includes names of all adults involved and their role in relation to the child(ren)
03/08/2019	748.2303(a)	Corporal Punishment-May not use/threaten corporal punishment, such as hitting/spanking, forced exercise, holding physical position, unproductive work.
03/08/2019	748.2307(9)	Other Prohibited Punishments-subjecting a child to abusive or profane language
03/08/2019	748.311(4)	Serious Incident Documentation-Includes names of all adults involved and their role in relation to the child(ren)
02/14/2019	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records
02/14/2019	748.685(a)(1)	Caregiver responsibility - knowing which children they are responsible for
10/18/2018	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records

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10/18/2018	748.561(2)	Responsibilities of Professional level service provider-Developing, reviewing, and updating of service plans for a child in care
07/12/2018	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
07/12/2018	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks
05/30/2018	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being
05/14/2018	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being
05/10/2018	748.1101(b)(4)(A)(ii)	Children's rights-The right to be free from being subjected to or threatened with corporal punishment, including spanking or hitting
05/10/2018	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records
05/10/2018	748.2303(a)	Corporal Punishment-May not use/threaten corporal punishment, such as hitting/spanking, forced exercise, holding physical position, unproductive work.
05/07/2018	748.1009(1)	Child/caregiver ratio-Must employ an adequate number of caregivers to meet child/caregiver ratios
05/07/2018	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being
05/03/2018	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
04/27/2018	748.303(a)(3)(A)	Serious Incident-Report to Licensing as soon as aware of allegations or indications of abuse, neglect, or exploitation of a child
04/10/2018	748.1009(1)	Child/caregiver ratio-Must employ an adequate number of caregivers to meet child/caregiver ratios
04/10/2018	748.685(a)(4)	Caregiver responsibility - providing the level of supervision necessary to ensure each child's safety and well-being
04/06/2018	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization

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04/04/2018	748.1101(b)(4)(A)(ii)	Children's rights-The right to be free from being subjected to or threatened with corporal punishment, including spanking or hitting
04/04/2018	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records
04/04/2018	748.2303(a)	Corporal Punishment-May not use/threaten corporal punishment, such as hitting/spanking, forced exercise, holding physical position, unproductive work.
03/27/2018	748.151(3)	Operational responsibilities - Maintain current, true, accurate, and complete records
03/27/2018	748.2551(c)(2)	EBI Implementation-Caregiver must use the minimal amount of reasonable and necessary physical force
03/27/2018	748.2605(a)(2)	Personal Restraints Prohibited-Restraints that obstruct child's airway
03/27/2018	748.565(2)	Professional level service provider-must review/approve service plans, updates, and reviews; sign and date to indicate approval
11/30/2017	748.2307(9)	Other Prohibited Punishments-subjecting a child to abusive or profane language
11/30/2017	748.303(a)(3)(A)	Serious Incident-Report to Licensing as soon as aware of allegations or indications of abuse, neglect, or exploitation of a child
09/27/2017	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
09/19/2017	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
08/03/2017	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
06/22/2017	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
06/09/2017	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization
06/08/2017	748.303(a)(2)(A)	Serious Incident-Report to Licensing no later than 24 hours after injury/illness that warrants treatment by a medical professional or hospitalization

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05/22/2017	748.1101(b)(1)(B)	Children's rights-Adhere to the child's rights to be free of abuse, neglect, and exploitation as defined in Texas Family Code 261.401
05/22/2017	748.507(1)	Employee general responsibilities-Demonstrate competency, prudent judgment, self-control in presence of children and when performing assigned tasks
03/13/2017	748.393(b)(3)	Active child record - Ensure record is kept accurate and current
03/06/2017	748.311	Serious Incident Documentation-Documented in written report
02/15/2017	748.393(b)(3)	Active child record - Ensure record is kept accurate and current

The conditions placed on your operation during this corrective action period are as follows:

- You must comply with all of the conditions in the corrective action plan and correct the minimum standards that were deficient.
 - You must post the enclosed probation notice in a prominent place near all public entrances of the operation.
 - You must establish and maintain compliance with all Licensing statutes, rules, and minimum standards.
1. The Licensed Child Care Administrator (LCCA), or approved designee must conduct unannounced visits to Prairie Harbor operation during the evening and weekend hours to ensure appropriate oversight of the direct care staff and supervisors. The unannounced visits must be conducted at least three times per week (a minimum of 3 hours per visit). Each visit must be documented in a master log. This documentation must include the dates and times of the visits, along with any serious incidents observed, the residents and staff present during the required visits and how concerns were addressed, should any concerns be noted. All entries on the master log must include the signature of the Licensed Child Care Administrator. The master log containing the necessary documentation must be available for review by licensing upon request. These visits should begin February 19, 2020 and continue throughout the duration of the probation period.

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2. The Licensed Child Care Administrator (LCCA) must review all serious incident reports and any video footage of the incidents within 72 hours of the occurrence. The purpose for the review is to assess whether employees are reporting serious incidents timely, reporting and documenting serious incidents accurately. Each serious incident must be documented in a master log. This documentation must include the dates, times and the location of the serious incidents, name of employee responsible for reporting serious incident and any action taken. Any concerns must be noted in the documentation as well as how concerns were addressed. All documentation must include the signature of the Licensed Child Care Administrator. The serious incident, the video footage of the incident and master log containing the necessary documentation must be available for review by Licensing upon request. The review must begin February 19, 2020 and continue throughout the duration of the probation period.
3. The Licensed Child Care Administrator must ensure ratio is being met at all times. The LCCA must submit to Licensing via email by 5:00 p.m. each Friday the direct care staff's schedule for the following week. This schedule is to reflect the agency is meeting ratio. If any changes are made to the schedule the agency must notify the Inspector via electronic mail within 24 hours of the change. The first schedule must be submitted to Licensing by 5:00 p.m. on February 21, 2020 and each week thereafter for the duration of the Probation period.
4. The Treatment Director must spend at least 12 hours per calendar week observing direct care staff interactions with children placed at the operation. During observations, the Treatment Director should model appropriate behaviors and interactions with children in care and provide direct feedback to staff about their work. These 12 hours are to be divided equally among all shifts and must include weekend hours each week. The operation must create a log to track the number of hours the Treatment Director spends during each observation. This log should include information regarding what the Treatment Director saw during the time they spent observing staff, any concerns the Treatment Director noted, and what was done to resolve these issues. This log must be submitted every Monday beginning February 24, 2020 and continue throughout the duration of the probation period.

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5. Beginning March 2, 2019, the Treatment Director and approved designee will meet monthly with each staff, including management staff that have direct contact with children and discuss the children they are responsible for, what triggers can cause certain behaviors and how they can best work with that particular child. The Treatment Director and approved designee will meet with each child monthly to discuss what bothers them at the facility that possibly causes certain behaviors and how staff can help, this information must be shared with staff during the monthly meeting(s). A copy of the meeting notes must be made available for review by Licensing upon request.
6. A monthly meeting must be conducted by the Executive Director with all operation staff members to address the progress of the corrective action plan and all other issues or concerns your staff may have. There should be a discussion at each meeting providing the direct care staff an opportunity to discuss any barriers that could be present that would prevent staff from providing adequate supervision to youth in care. A copy of the meeting notes and a sign in sheet from the meeting must be available for review by Licensing upon request.
7. All staff, including management staff must attend a 2 hour course on Supervision. The training must be provided by a qualified instructor not affiliated with the operation and the training must include a review of the minimum standards related to supervision. The training curriculum and trainer's credentials must be submitted for review and approved by Licensing by 03/24/2020. All staff must attend and complete training by 04/23/2020. You must submit the training dates and times to RCCL two weeks in advance. The training must be conducted in person. An agenda for the training, trainer's credentials, attendance records, and post test and pre-test results for all participants must be kept at the operation and available for review by Licensing upon request.
8. All staff, including management must attend a 2 hour course on reporting and documenting serious incidents. The training must be provided by a qualified instructor not affiliated with the operation and the training must include a review of the minimum standards related to reporting and documenting serious incident accurately. The training curriculum and trainer's credentials must be submitted for review and approve by Licensing by 03/24/2020. All staff must attend and complete training by 04/23/2020. You must submit the training dates and times to RCCL two weeks in advance. The training must be conducted in person. An agenda for the training, trainer's credentials, attendance records, and post test and pre-test results for all participants must be kept at the operation and available for review by Licensing upon request.

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9. All staff, including management must attend 2 hours of training that focuses on providing positive behavioral support for children in care and trauma informed care. These trainings must be obtained from a qualified instructor-led source not affiliated with the operation. The training curriculum and trainer's credentials must be submitted for review and approved by Licensing by 03/24/2020. All staff must attend and complete training by 04/23/2020. You must submit the training dates and times to RCCL two weeks in advance. The training must be conducted in person. An agenda for the training, trainer's credentials, attendance records, and post test and pre-test results for all participants must be kept at the operation and available for review by Licensing upon request.
10. All staff, including management team will attend 3 hours of training that focuses EBI and appropriate discipline. These trainings must be obtained from a qualified instructor-led source not affiliated with the operation. The training curriculum and the trainer's credentials must be submitted for review and approve by Licensing by 03/24/2020. All staff must attend and complete training by 04/23/2020. You must submit the training dates and times to RCCL two weeks in advance. The training must be conducted in person. An agenda for the training, trainer's credentials, attendance records, and post test and pre-test results for all participants must be kept at the operation and available for review by Licensing upon request.
11. The Licensed Child Care Administrator (LCCA) or Executive Director will initiate and a work group that is comprised of direct delivery staff, residents, and a therapist. The work group force will be created to engage residents to develop ideas to reduce and or prevent self-harming amongst residents, altercations amongst peers, and restraints. This work group will meet every other week for the duration of the Probation period. Recommendations from the group must be submitted to the LCCA after each meeting. The LCCA must review and implement a plan to address recommendations from the group as appropriate. The meeting notes will be available for Licensing to review upon request. These meetings should begin no later than April 6, 2020 and will continue throughout the duration of this Probation period

You must keep documentation demonstrating compliance with these conditions at your operation. This documentation must be available for review by licensing staff during an inspection or investigation of your operation. A licensing representative will inspect your operation to determine if it is meeting the corrective action conditions. These inspections will be unannounced. As provided in Tex. Hum. Res. Code §42.044, you must allow licensing representatives into your operation during operating hours to investigate, inspect and evaluate. HHSC may revoke your permit if your operation continues to be deficient with minimum standards, rules, laws or permit restrictions, or if you fail to comply with the above conditions

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during the corrective action period.

The corrective action period is scheduled to begin on 02/17/2020 and will end on 02/17/2021. You have the right to request an administrative review if you disagree with HHSC's decision to place your operation on corrective action. To request an administrative review, you must send a written statement that includes your reason for dispute to Jennifer.Bennett@hhsc.state.tx.us within fifteen (15) days of receipt of this letter. You may also expedite the begin date of your corrective action period by sending a written statement that includes your decision to waive your right to an administrative review before the 15-day timeframe to submit your request expires.

*Currently, Child Care Licensing rules are located in Title 40 of the Texas Administrative Code. The rules will be transferred to Title 26 at a later date.

Sincerely,

ALICIA COURTNEY
Licensing Supervisor
(713) 696-3623
Enclosure(s):

cc: Rich DuBroc
7146 HIGHWAY 60
WALLIS, TX. 77485-9507